

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STEVEN RICHARD McKEE,

No. C 09-3996 SI (pr)

Plaintiff,

ORDER OF DISMISSAL

v.

BENNIE TAYLOR; et al.,


Defendants.
_____ /

The docket sheet for this action shows that plaintiff lost interest in it shortly after filing it several years ago. On May 25, 2010, defendants moved to stay the proceedings due to an outstanding criminal case against plaintiff, and plaintiff filed no opposition or non-opposition. The court stayed the action on November 12, 2010, and ordered plaintiff to file a motion to lift the stay and reopen the action within thirty days of the conclusion of criminal proceedings against him. (Docket # 18.) On August 22, 2013, defendants moved to dismiss for lack of prosecution, urging that plaintiff had not timely moved to lift the stay in the 30+ months since his January 2, 2011 conviction upon a no-contest plea and urging that plaintiff had not notified the court of his new address since his release from custody. (Docket # 21.) The court set a briefing schedule, and sent the order to plaintiff at both his custodial and non-custodial addresses. Plaintiff filed no opposition or non-opposition to the motion to dismiss. In fact, plaintiff has not filed anything in this action since April 2010.

1 In light of plaintiff's failure to comply with the order to keep the court informed of his
2 current address (Docket # 7 at 5), plaintiff's failure to file a motion to lift the stay within thirty
3 days of the conclusion of the criminal proceedings against him, and plaintiff's failure to file
4 anything in this action in more than forty months indicating any interest in the action, defendants'
5 motion to dismiss for failure to prosecute is GRANTED. (Docket # 21.) This action is
6 dismissed with prejudice for failure to prosecute. *See* Fed. R. Civ. P. 41(b). The clerk shall
7 close the file.

8 IT IS SO ORDERED.

9 Dated: December 3, 2013



SUSAN ILLSTON
United States District Judge